

RCRA Standardized Permit Rule

LSA Document #08-212

Overview

This rule adds a new rule at 329 IAC 3.1-11.5 and amends three sections of the permitting rules in 329 IAC 3.1-13 to adopt the RCRA standardized permit rule.

Citations Affected

329 IAC 3.1-11.5; 329 IAC 3.1-13-18; 329 IAC 3.1-13-19; 329 IAC 3.1-13-21

Authority

IC 13-14-8; IC 13-14-9-7; IC 13-22-2-4

Affected Persons

Permitted hazardous waste treatment, storage and disposal facilities that generate and then store or non-thermally treat hazardous waste on-site in tanks, containers and containment buildings.

Reason(s) for the Rule

This rule will reduce permitting costs to eligible facilities and make Indiana's hazardous waste program consistent with the federal program.

Economic Impact of the Rule

This rule will reduce costs for eligible facilities by approximately \$200,000 to \$246,000 per year.

Benefits of the Rule

This rule will significantly reduce the time and expense of new and modified RCRA hazardous waste permits for eligible facilities.

Description of the Rulemaking Project

This rule adopts the RCRA standardized permit rule published by the Environmental Protection Agency on September 8, 2005 at 70 FR 53420.

Scheduled Hearings

First Public Hearing: July 15, 2008.

Second Public Hearing: Not yet scheduled.

Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

1) All existing physical conditions and the character of the area affected.

2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

3) Zoning classifications.

4) The nature of the existing air quality or existing water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant, animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This notice includes a discussion of issues and opens a first comment period. A second notice is then published which contains the comments from the first comment period and the department's responses to the comments, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second public hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are again heard. Once final adoption occurs, the rule must be approved by the Indiana Attorney General and the Governor. If approved, the rule becomes effective 30 days after filing with the *Indiana Register*.